

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

NICHOLAS J. CENCICH,

Petitioner,

v.

MAGGIE MILLER-STOUT,

Respondent.

No. C10-5164 BHS/KLS

ORDER RE-NOTING MOTION TO STAY

Presently before the Court is the motion of Petitioner Nicholas J. Cencich to stay his petition for writ of habeas corpus. Dkt. 9. The court directed service of the petition (Dkt. 7) and motion to stay (Dkt. 9) upon Respondent on March 31, 2010. Dkt. 8. Respondent received the petition and motion on April 4, 2010. Dkt. 11. In accordance with Rule 5 of the Rules Governing § 2254 Cases, Respondent is to file and serve an answer within forty-five days after such service. *Id.*

Accordingly, the motion to stay (Dkt. 9) shall be re-noted for consideration for forty-five days, until **May 21, 2010**. Respondent is directed to file a response to the motion to stay at the time they file their Answer.

Accordingly, it is **ORDERED**:

1 (1) Petitioner's motion to stay (Dkt. 9) shall be **re-noted** on the court's calendar for
2 **May 21, 2010**. Respondent shall file a response to the motion to stay at the time they file their
3 answer to the petition for writ of habeas corpus.

4 (2) The Clerk of the Court is directed to send copies of this Order to Petitioner and
5 counsel for Respondent.
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8 DATED this 23rd day of April, 2010.

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11 Karen L. Strombom
12 United States Magistrate Judge
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